



USER'S GUIDE TO THE HERNDON ZONING ORDINANCE

24. Temporary Uses, Special Events

(see zoning ordinance §78-202(F)(3)(f), *Temporary Use Site Plans*, and §78-403, *Temporary Uses and Structures*)

The Town of Herndon zoning ordinance User Guide series provides the public with general information on land use regulations affecting activities undertaken by the public and administered by the Herndon Department of Community Development. It is not intended to be a complete statement of all applicable regulations. Individuals are encouraged to contact the Department of Community Development at 703-787-7380 for complete permitting requirements.

Town leaders recognize the community benefits and vitality that special events and temporary uses can bring. Such activities are allowed through the zoning ordinance, as long as the public health, safety, and welfare is ensured for the duration of the activity.

What is a Temporary Use and a Temporary Structure?

For zoning purposes, a temporary use is a use that is established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent building or structure. A temporary structure is a feature, device, container or vehicle without a permanent foundation or footing and which is removed when the designated time period, activity, or use for which temporary structure was erected has ceased.

Does the Town regulate Temporary Uses and Structures?

Yes, zoning provisions exist for the proper conduct of a temporary use and places restrictions on their operation. As with any zoning regulation, if the provisions are not followed, the person responsible for the temporary use or structure may face violation proceedings and penalty fees.

Standards for the orderly operation of all temporary uses and establishment of temporary structures are described in detail in zoning ordinance §78-403(F). In general, the standards require:

- No signs in the public right-of-way.
- No unusual risk of injury to persons, no damage to public or private property, and no detriment to surrounding properties.
- No adverse noise impact, no public or private disturbances, no nuisances.
- No unsafe impediments, distractions, or congestion for vehicular or pedestrian movement.
- Proper security, trash removal, and other services the event may require to be provided by the operator.
- No permanent alterations to the affected site.
- No encroachment of a temporary use on established landscaped areas of developed sites.
- Sufficient space for the temporary use and associated off-street parking and circulation.
- Approval of any signage by the Town. Signage is restricted in size and hours of display.
- Hours of operation limited to 9 a.m. to 7 p.m. unless authorized by the Town.
- Approval of all applicable inspections and permits prior to operation.
- Site to be returned to its original condition prior to the establishment of the use within 48 hours of its discontinuance.
- Performance bond may be required if determined necessary by the Town.

What is Involved in Obtaining a Permit for a Temporary Use or Temporary Structure?

For those uses that require a temporary permit, there is a two-step process. For all applications, a pre-application conference with the Town staff is worthwhile to learn about zoning requirements and application procedures.

STEP ONE: The applicant must submit an application for the permit along with a temporary use site plan. Items required with the application include:

- Proof of the validity of the contact information provided on the application.
- A letter signed by the owner or owner's agent consenting to the application for the temporary use permit;
- A site plan prepared in accordance with Section 78-202(F)(3)(f) and showing the area of proposed activity with signage, display areas, illumination, vehicular entrances to the site (location, type and size), parking area associated with the temporary use (location, layout, and surface material);
- The detailed description of the proposed temporary activity requested above should include an analysis of any noise that may not comply with the noise provisions in the Herndon Town Code;

- Sample signage to be used.
- A statement of from the landowner authorizing an agent to act on their behalf (if applicable).
- If a pre-application conference took place, a statement indicating the date and time a pre-application conference was held with the Town, as well as a list of participants in the conference.
- A receipt or other documentation indicating that taxes have been paid on lands subject to the application (may be obtained when application is filed.)

Once the application is complete and submitted to the Department of Community Development, the staff reviews the materials and approves the application if it meets all zoning requirements. The applicant is notified and may begin to prepare the site for the temporary use or structure.

STEP TWO: After the applicant has prepared the site, the applicant must apply for a zoning inspection permit prior to occupancy of the temporary structure or operation of the temporary use. A member of the Community Development inspection team must sign off on the zoning inspection permit. If a building permit was involved in the site preparation, a certificate of occupancy must be issued after the zoning inspection permit and before operation of the temporary use.

TEMPORARY USES THAT REQUIRE APPROVAL OF A PERMIT PRIOR TO OCCURRING

From Table 78-403(B): Table of Allowed Temporary Uses and Structures

see zoning ordinance **§78-403(G)** for standards for these uses

TEMPORARY USE OR STRUCTURE	ALLOWABLE TIME FRAME
Temporary Office Facilities (including Real Estate Sales Offices)	1 to 3 years.
Construction-related Activities (including Construction Trailers and employee parking)	1 to 3 years.
Outdoor Retail Sales Events Associated with an Existing Business	4 days per sale per calendar year. No more than 4 occurrences per parcel per year.
Seasonal Sales (Christmas Trees, Halloween Pumpkins, Civic Group Merchandise)	90 days per calendar year with no more than 30 days per occurrence, or 3 occurrences per parcel per year.
Seasonal Sales (Fireworks)	30 days per calendar year with no more than 1 occurrence per parcel per year.
Special Events (i.e., Fairs, Festivals, or Similar Outdoor Events)	4 days per event with a maximum of 3 occurrences per parcel per year.

TEMPORARY USES THAT CAN OCCUR WITHOUT A PERMIT

From Table 78-403(B): Table of Allowed Temporary Uses and Structures

see zoning ordinance **§78-403(D)** for standards for these uses

TEMPORARY USE OR STRUCTURE	ALLOWABLE TIME FRAME
Garage Sales, Yard Sales, Estate Sales	2 consecutive days per use. No more than 4 occurrences per parcel per year.
Temporary Vehicle washes by Civic and Nonprofit Organizations, or by middle and secondary school groups	2 consecutive days per use. No more than 4 occurrences per parcel per year.
Sidewalk Sales: Civic and Nonprofit Organizations	4 days per calendar year per occurrence. No more than 4 occurrences per parcel per year.
Temporary Uses on Town Property	Approval by the Town Manager required
Temporary Parking for Special Events	4 days per event. Maximum of 3 occurrences per parcel per year.
Portable Storage Units on-site for up to 16 days	2 occurrences per address per year. Maximum of 16 days per occurrence. See User Guide #31 for more information.

Need more information?

Got a question on required permits, the permit process, or application requirements? Call or make an appointment to see a member of the staff in the **Department of Community Development at 703-787-7380**.

Have a question regarding building permits or construction codes? Call or make an appointment to see the **Building Official at 703-435-6850**.

Visit the Town of Herndon on the web at www.herndon-va.gov for the Zoning Ordinance User Guide series or to access the Town Code. Town offices are located at the Herndon Municipal Center at 777 Lynn Street, Herndon, Virginia, 20172.

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Enriching the Quality of Life and Promoting a Sense of Community

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